

1 THE HONORABLE MARSHA PECHMAN  
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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 CARLA SHORT, Individually and as Personal  
10 Representative of the Estate of DONALD J.  
11 SHORT

12 Case No. 2:19-cv-01270-MJP

13 Plaintiff,

14 v.

15 AIR & LIQUID SYSTEMS CORPORATION,  
16 et al.,

17 Defendants.

18 **ORDER GRANTING IN PART  
19 MODIFYING IN PART STIPULATED  
MOTION TO EXTEND DEADLINES**

20 **RELIEF REQUESTED**

21 Under LCR 16(b)(6), Defendant Warren Pumps, LLC, together with Plaintiff and all  
22 remaining Defendants (collectively the "Parties"), by and through their respective counsel of  
23 record, move this Court to enter an Order to continue the January 25, 2021 trial date and all  
24 remaining pre-trial deadlines for one month, subject to this Court's availability.

25 **STUIPULATION**

26 The Parties propose to continue the trial date and all remaining pre-trial deadlines one  
month to allow for further discovery, motion practice and trial preparation. The Parties are in the  
process of completing fact and expert depositions, with the following depositions currently on  
calendar:

- 27 • September 16, 2020 - Deposition of William Powell Company  
28 • September 17, 2020 -Deposition of Flowserv US, Inc.

- 1     • September 18, 2020 – Deposition of Electrolux Home Products, Inc.
- 2     • September 22, 2020 - Deposition of Spirax Sarco, Inc.
- 3     • September 22, 2020 - Deposition of Margaret McClosky
- 4     • September 23, 2020 – Deposition of Warren Pumps
- 5     • September 23, 2020 – Deposition of James Delaney
- 6     • September 24, 2020 - Deposition of Chris Herfel
- 7     • September 25, 2020 - Deposition of Gerald Gjelfe
- 8     • September 28, 2020 - Deposition of Donna Ringo
- 9     • September 28, 2020 - Deposition of Howard Freeman
- 10    • September 29, 2020 - Deposition of Carl Brodkin

11   The Parties request this additional time to complete these depositions and other discovery under  
 12   a less compressed schedule, and prepare dispositive motions.

13   Under FRCP 16(b)(4), and for good cause, the Court may amend the case scheduling  
 14   order.<sup>1</sup> “Good cause” in this context is primarily concerned with the diligence of the party  
 15   seeking the amendment. *Id.* According to Fed. R. Civ. P. 16 advisory committee's notes, the  
 16   district court may modify the pretrial schedule “if it cannot reasonably be met despite the  
 17   diligence of the party seeking the extension.”<sup>2</sup> Good cause is met here as this is a complex civil  
 18   matter with multiple parties.

19   Based on the foregoing, the Parties stipulate to the following:

- 20   1. Continue the trial date of January 25, 2021 for one month;
- 21   2. Continue the following pre-trial deadlines:

Deadline	Current Date	<b>Stipulated Date (subject to court availability)</b>
<b>15 DAYS Jury TRIAL</b> set for 09:00 AM on	01/25/2021	<b>05/03/2021</b>
All motions related to discovery must be FILED by	9/8/2020	<b>10/8/2020</b>

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 23   <sup>1</sup> *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992).

24   <sup>2</sup> Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment); *Harrison Beverage Co. v. Dribeck Importers, Inc.*, 133 F.R.D. 463, 469 (D.N.J. 1990); *Amcast Indus. Corp. v. Detrex Corp.*, 132 F.R.D. 213, 217 (N.D.Ind. 1990); Forstmann, 114 F.R.D. at 85; 6A Wright, Miller & Kane, Federal Practice and Procedure § 1522.1 at 231 (2d ed. 1990) (“good cause” means scheduling deadlines cannot be met despite party’s diligence).

1	Discovery COMPLETED by	9/29/2020	<b>10/29/2020</b>
2	All dispositive motions must be FILED by	10/28/2020	<b>11/30/2020</b>
3	<del>Settlement conference per LCR 39.1(e)(2) HELD no later than</del>	11/19/2020	<del>12/21/2020</del>
4	No settlement conference is required		
5	<del>Mediation per LCR 39.1(e)(3) HELD no later than Under Local Civil Rule 39.1(c) the Court ORDERS that the parties engage in mediation. The parties may seek relief from this requirement by motion and upon a showing of good cause</del>	12/23/2020	<del>1/25/2021</del>
6	No mediation conference is required		
7			
8	<del>Letter of compliance as to LCR 39.1 FILED by A roster of Local Civil Rule 39.1 mediators can be located on the Internet at <a href="http://www.wawd.uscourts.gov">www.wawd.uscourts.gov</a>. If you do not have access to the Internet, please contact the Clerk's Office at 253-882-3824</del>	1/6/2021	<del>2/8/2021</del>
9			
10	Motions in limine must be FILED by and noted on the motion calendar no later than the Friday before the Pretrial Conference. (See LCR 7(d)(4))	12/22/2020	<b>3/29/2021</b>
11			
12	Agreed Pretrial Order	1/11/2021	<b>4/20/2021</b>
13	Pretrial conference will be HELD at 01:30 PM on	1/18/2021	<b>4/22/2021</b>
14	(Jury Trial) Proposed Voir Dire, Jury Instructions and Trial Briefs or (Bench Trial) Trial Briefs and Proposed Findings of Fact and Conclusions of Law shall be filed by	1/12/2021	<b>4/20/2021</b>
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17 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of September, 2020.

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24 4 - STIPULATED MOTION AND PROPOSED ORDER CONTINUING  
TRIAL DATE [2:19-CV-01270-MJP]

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3 **ORDER**

4 Based on the foregoing Stipulation, the trial date is continued to May 3, 2021,  
5 and related deadlines are set as follows:

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8 DATED this 28 day of September, 2020.

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11 HON. MARSHA J. PECHMAN  
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

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